

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON**

**IN RE DIGITEK®
PRODUCT LIABILITY LITIGATION**

MDL NO. 1968

THIS DOCUMENT RELATES TO ALL CASES

**PRETRIAL ORDER #44
(Reschedule Status Conference and Conference on Group 1 cases)**

The status conference previously scheduled for Wednesday, October 28th at 9:00 a.m. (PTO #21) is hereby **RESCHEDULED for Friday, November 20, 2009, at 10:00 a.m.** in Judge Goodwin's chambers.

Any attorney representing any party, or any unrepresented party may attend the status conference but only Liaison and Lead Counsel, or such other counsel as the court may permit, may actively participate in the status conference.

Lead Counsel for the parties shall confer and submit any proposed agenda items for the conference directly to the court via fax or to WVSDml_Digitek_Chambers@wvsd.uscourts.gov no later than November 17, 2009.

At the November 20, 2009, conference each party will also present to the court their choice of five cases that they believe to be representative plaintiffs for trial in accordance with PTO #38.

The court **DIRECTS** the Clerk to file a copy of this order in 2-08-md-1968 which shall apply to each member Digitek-related case previously transferred to, removed to, or filed in the district, which includes counsel in all member cases up to and including civil action number 2-09 -cv-1092. In cases subsequently filed in this district, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court's website at www.wvsd.uscourts.gov.

ENTER: October 7, 2009



Joseph R. Goodwin
Joseph R. Goodwin, Chief Judge